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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,641	11/18/2003	Tsukasa Sako	00862.023309	2530

5514 7590 11/30/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,641

Applicant(s)

SAKO, TSUKASA

Examiner

Ryan R. Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 8/5/2005.

This action is final.

2. Claims 1-20 are pending in this application. Claims 1, 16 and 17 are independent claims. In the Amendment, filed on 8/5/2005, claims 1, 2, 5-11 and 13-17 were amended, and claims 19 and 20 were added.

3. This application claims foreign priority dated 11/21/2002.

4. The present title of the invention is "Image display method, apparatus, program and storage medium" as filed originally.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 1-8 and 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caravel (5,613,057) and further in view of McEvilly et al. (2003/0151621).

Regarding claim 1, Caravel discloses an image display method for displaying images of a prescribed combination in image layout formats of a plurality of types, comprising:

a frequency storage [i.e. "memory means"; 6] step of storing frequency of use for each of the image layout formats, wherein the each of the image layout formats indicates a combination of a plurality of image display positions, and the frequency of

use is different according to a combination of types of images displayed at the plurality of image display positions [i.e. "templates"] ;

a setting step [i.e. "processing means"; 4] of setting one of the image layout formats, which is used in displaying the prescribed combination of images, based upon the frequencies of use that have been stored [i.e. 'the most frequently used template is located middle of list', 'the least frequently used template is located side of list']; and

a display [i.e. "display"; 8] step of displaying the prescribed combination of images on a display in the one of the image layout formats ["template"] that has been set. (See Fig 12, col 2 line 39-48, col 7 line 1-4, col 7 line 12-19, col 11 line 49-53)

Caravel discloses a method of displaying images in a prescribed combination of layout format. It is noted that Caravel does not explicitly disclose the format is based on frequency of use, however, this is known in the art as taught by McEvilly et al., hereinafter McEvilly. McEvilly discloses a method of displaying screen layout in which the layout of the screens are based on the user's profile data, service operation history and usage information ([0276] where the usage information is considered frequency of use).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of McEvilly into Caravel because Caravel discloses a method of displaying images and McEvilly discloses the layout is user dependent in order to make the display format more personal.

7. Regarding claim 2, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and Caravel further discloses that frequency storage

[6] step stores the frequency of use in association with an observer ["user"]. (See col 7 line 12-19)

8. Regarding claim 3, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and Caravel further discloses that setting step sets, for every observer, an image layout format having the highest frequency of use as an image layout format ["the most frequently used template"] used to display the prescribed combination of images. (See col 7 line 1-4, col 11 line 49-53)

9. Regarding claim 4, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and Caravel further discloses that frequency storage step counts the frequency of use of an image layout format at a timing at which the prescribed combination of images is displayed. (See col 7 line 12-19, as "the counting step" is necessarily required for figuring out which template is most or least frequently used)

10. Regarding claim 5, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and McEvilly further discloses that frequency storage step counts the frequency of use of an image layout format after a change at a timing at which the image layout format is changed. (See col 7 line 12-19)

11. Regarding claim 6, Caravel discloses that frequency storage step counts the frequency of use of an image layout, which is being displayed, at a timing at which said display steps ends. (See col 7 line 12-19)

12. Regarding claim 7, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and Caravel further discloses that frequency storage

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step counts the frequency of use of an image layout format, which is used in displaying the prescribed combination of images, at a timing at which an observer performs an operation for counting the frequency of use of the image layout format. (See col 7 line 12-19)

13. Regarding claim 8, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and Caravel further discloses that frequency storage step stores collectively the frequencies of use of the image layout formats, which have been used for displaying the prescribed combination of images for a plurality of observers, without distinguishing among the plurality of observers ["user"]. (See col 7 line 1-4, col 11 line 49-53)

14. Regarding claim 11, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 1, and Caravel further discloses that when number of ranks ["ordering"] of frequencies of use capable of being stored has been set in advance and images have been displayed in a new image layout format, said frequency storage step excludes the image layout format having the lowest frequency of use and adds on the frequency of use of the new image layout format. (See col 2 line 44-48, col 7 line 12-23)

15. Regarding claim 12, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 11, and Caravel further discloses that the number of ranks of the frequency of use is one. (See col 7 line 12-23)

14. Regarding claim 13, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claims 1, and Caravel further discloses that a display of an

image layout format for notifying [i.e. "keyword", "sound"] one of the of the image layout formats that has currently been set is presented in said display step. (See col 10 lien 17-59)

15. Regarding claim 14, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 13, and Caravel further discloses that an image layout change step of changing the layout format of the images currently being displayed on the display. (See Fig 13, col 8 line 37-40)

16. Regarding claim 15, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 14, and Caravel further discloses that a priority change step of changing a priority corresponding to the frequency of use; wherein if the priority has been changed, the display of layout format is changed in linked fashion at said display step in response to an operation for changing the priority. (See Fig 13, col 8 line 37-40)

17. Regarding claims 16-18, since claims 16-18 is similar in scope to the claim 1, the rejection to claim 1 hereinabove is also applicable to claims 16-18.

18. Regarding claim 19, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 16, and Caravel further discloses wherein said layout setting unit further ets a plurality of buttons, each indicating one of the plurality of image layout formats, on said display (Figure 2, buttons 36-40 and column 5, line 12-21).

19. Regarding claim 20, Caravel and McEvilly demonstrated all the elements as disclosed in the rejected claim 16, and Caravel further discloses a selection unit for selecting one of a plurality of examination types (Figure 2, buttons 36-40, since there is

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no claimed limitations on the examination types and a medical image is an image, Examiner considers Caravel meets the limitations);

wherein said layout setting unit sets the one of the plurality of image layout formats in response to the selection by said selection unit (column 5, line 12-21).

20. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caravel and McEvilly, and further in view of Mishra et al. (5,805,118)

Regarding claim 9, Caravel and McEvilly do not specifically disclose that the images are medical images and the prescribed combination is a combination of images of the same type of examination. However, Mishra et al discloses that customized image navigation and display system (CINAD) with medical images for medical field [i.e. radiology]. (See col 3 line 58-col 4 line 7, col 6 line 14-19, col 7 line 38-47) Since both teachings are relate to the manipulating of image layout [i.e. template, workspace], it would have been obvious to one skilled in the art to incorporate the teaching of Mishra et al into the teaching of Caravel and McEvilly , in order to display the medical images with improved manner of facility and rapidity at user preferences.

21. Regarding claim 10, refer to the discussion for the claim 9 hereinabove, Caravel, McEvilly and Mishra disclose that the images are medical images, the prescribed combination is a combination of images of a plurality of different types of examination, and said setting step sets an image layout format based upon the highest frequency of use from among frequencies of use of image layout formats of images of each type of examination. (See Fig 13, col 8 line 37-40)

Response to Arguments

22. Applicant's arguments, see Amendment, filed 8/5/2005, with respect to the rejection(s) of claim(s) 1-18 under Caravel have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Caravel and further in view of McEvilly et al..

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

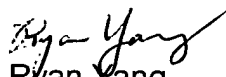
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ryan Yang
Primary Examiner
November 28, 2005